

1 FRANK M. PITRE (SBN 100077)
fpitre@cpmlegal.com
2 ALISON E. CORDOVA (SBN 284942)
acordova@cpmlegal.com
3 **COTCHETT, PITRE & McCARTHY, LLP**
4 San Francisco Airport Office Center
840 Malcolm Road, Suite 200
5 Burlingame, CA 94010
Telephone: (650) 697-6000
6 Facsimile: (650) 697-0577

7 STEVEN M. CAMPORA (SBN 110909)
scampora@dbbwc.com
8 **DREYER BABICH BUCCOLA WOOD CAMPORA, LLP**
9 20 Bicentennial Circle
Sacramento, CA 95826
10 Telephone: (916) 379-3500
11 Facsimile: (916) 379-3599

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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 vs.

20 PACIFIC GAS AND ELECTRIC
21 COMPANY,

22 Defendant.

No.: 14- CR-00175-WHA

**DECLARATION OF FRANK M. PITRE
IN SUPPORT OF ATTORNEYS PITRE
AND CAMPORA'S COMMENTS ON THE
ACCURACY OF PG&E'S RESPONSE**

Judge: Hon. William Alsup

1 I, Frank M. Pitre, hereby declare under penalty of perjury:

2 1. I am a member of the Law Firm of Cotchett, Pitre & McCarthy LLP. I have been
3 involved with litigation on behalf of wildfire and gas transmission explosion victims against Pacific
4 Gas and Electric Company, since 2010. I have taken the deposition of more than 150 Pacific Gas
5 and Electric Company officers and employees since 2010. I was lead counsel in: the San Bruno
6 Explosion litigation; the derivative action against the Board of Directors; and presently serve as co-
7 lead counsel for the North Bay Fires JCCP. I was also involved as co-liaison counsel for the Butte
8 Fire JCCP and served on the Executive Committee.

9 2. I have reviewed thousands of Pacific Gas and Electric Company documents
10 produced in litigation and I have deposed at least 50 witnesses on Pacific Gas and Electric Company
11 vegetation management practices. In connection with my leadership responsibilities in prosecuting
12 the foregoing cases against PG&E, I have conducted extensive research and investigation of industry
13 practices and procedures for risk management and process safety. Additionally, I have consulted a
14 number of experts to develop an understanding of various factors contributing to safety and
15 prevention of wildfires. Some of the industry source materials that I have relied upon for purposes
16 of preparing this submission are identified below. In my opinion, the source materials are
17 trustworthy, reliable, and probative of the matters that are relevant to this Court's inquiry.

18 3. In February 2019, I accessed from the SF Gate website an article at the following
19 web address: [https://www.sfgate.com/news/article/PG-E-Guilty-In-1994-Sierra-Blaze-739-counts-](https://www.sfgate.com/news/article/PG-E-Guilty-In-1994-Sierra-Blaze-739-counts-of-2821364.php)
20 [of-2821364.php](https://www.sfgate.com/news/article/PG-E-Guilty-In-1994-Sierra-Blaze-739-counts-of-2821364.php). I have attached a true and correct copy as Exhibit 1.

21 4. In February 2019, I accessed from the KQED website an article at the following
22 web address: [https://www.kqed.org/news/10687032/utilities-urged-to-step-up-fire-prevention-](https://www.kqed.org/news/10687032/utilities-urged-to-step-up-fire-prevention-long-before-deadly-blaze)
23 [long-before-deadly-blaze](https://www.kqed.org/news/10687032/utilities-urged-to-step-up-fire-prevention-long-before-deadly-blaze). I have attached a true and correct copy as Exhibit 2.

24 5. In February 2019, I accessed the CAL FIRE website incident information for the
25 Poe Fire at the following web address: [http://www.fire.ca.gov/cdf/incidents/Poe%20Fire_59/](http://www.fire.ca.gov/cdf/incidents/Poe%20Fire_59/incident_info)
26 [incident_info](http://www.fire.ca.gov/cdf/incidents/Poe%20Fire_59/incident_info). I have attached a true and correct copy as Exhibit 3.

1 6. In February 2019, I accessed from The Mercury News website an article at the
2 following web address: [https://www.mercurynews.com/2018/11/19/pge-transmission-line-eyed-in-](https://www.mercurynews.com/2018/11/19/pge-transmission-line-eyed-in-camp-fire-had-collapsed-during-2012-storm/)
3 [camp-fire-had-collapsed-during-2012-storm/](https://www.mercurynews.com/2018/11/19/pge-transmission-line-eyed-in-camp-fire-had-collapsed-during-2012-storm/). I have attached a true and correct copy as Exhibit 4.

4 7. In February 2019, I accessed from the SF Gate website an article at the following
5 web address: [https://www.sfgate.com/news/article/PG-E-settles-forest-fire-suits-for-29-5-million-](https://www.sfgate.com/news/article/PG-E-settles-forest-fire-suits-for-29-5-million-3407791.php)
6 [3407791.php](https://www.sfgate.com/news/article/PG-E-settles-forest-fire-suits-for-29-5-million-3407791.php). I have attached a true and correct copy as Exhibit 5.

7 8. In February 2019, I accessed from the SF Gate website an article at the following
8 web address: [https://www.sfgate.com/news/article/PG-amp-E-contractor-settles-fire-case-](https://www.sfgate.com/news/article/PG-amp-E-contractor-settles-fire-case-4584565.php)
9 [4584565.php](https://www.sfgate.com/news/article/PG-amp-E-contractor-settles-fire-case-4584565.php). I have attached a true and correct copy as Exhibit 6.

10 9. In February 2019, I accessed from the CAL FIRE website incident information for
11 the Whiskey Fire at the following web address: [http://cdfdata.fire.ca.gov/incidents/incidents_](http://cdfdata.fire.ca.gov/incidents/incidents_details_info?incident_id=274)
12 [details_info?incident_id=274](http://cdfdata.fire.ca.gov/incidents/incidents_details_info?incident_id=274). I have attached a true and correct copy as Exhibit 7.

13 10. In February 2019, I accessed from the KQED website an article at the following
14 web address: [https://www.kqed.org/news/10687032/utilities-urged-to-step-up-fire-prevention-](https://www.kqed.org/news/10687032/utilities-urged-to-step-up-fire-prevention-long-before-deadly-blaze)
15 [long-before-deadly-blaze](https://www.kqed.org/news/10687032/utilities-urged-to-step-up-fire-prevention-long-before-deadly-blaze). I have attached a true and correct copy as Exhibit 8.

16 11. In February 2019, I accessed from CAL FIRE a map titled "Fire Perimeters:
17 Wildfires 1950 – 2017" at the following web address: [https://frap.fire.ca.gov/data/frapgismaps/](https://frap.fire.ca.gov/data/frapgismaps/pdfs/firep_17_map.pdf)
18 [pdfs/firep_17_map.pdf](https://frap.fire.ca.gov/data/frapgismaps/pdfs/firep_17_map.pdf). I have attached a true and correct copy as Exhibit 9.

19 12. In February 2019, I accessed from CAL FIRE for Wildfire Activity Statistics
20 reports at the following web address: [http://www.fire.ca.gov/fire_protection/fire_](http://www.fire.ca.gov/fire_protection/fire_protection_fire_info_redbooks)
21 [protection_fire_info_redbooks](http://www.fire.ca.gov/fire_protection/fire_protection_fire_info_redbooks). In these reports, CAL FIRE publishes a list of the top five most
22 destructive wildfires that year. I reviewed this top five list for the years 1990 through 2010, which
23 revealed the following conclusions. A wildfire in Northern California and within PG&E's service
24 territory made the top five list every year but one year. In nine of the twenty years examined, a
25 Northern California wildfire in a PG&E service territory was the most destructive wildfire of the
26 year. In six of the twenty years examined, powerlines and/or power were the determined cause of
27 one of the top five most destructive wildfires that year. And in all six instances, the wildfires were
28 in Northern California and within PG&E's service territory.

1 13. In February 2019, I accessed from CAL FIRE the Top 20 Largest California
2 Wildfires (http://www.fire.ca.gov/communications/downloads/fact_sheets/Top20_Acres.pdf) and
3 the Top 20 Most Destructive California Wildfires ([http://www.fire.ca.gov/communications/](http://www.fire.ca.gov/communications/downloads/fact_sheets/Top20_Destruction.pdf)
4 [downloads/ fact_sheets/Top20_Destruction.pdf](http://www.fire.ca.gov/communications/downloads/fact_sheets/Top20_Destruction.pdf)). True and correct copies are Exhibit 10.

5 14. In February 2019, I accessed from the CAL FIRE website the Sonoma-Lake-Napa-
6 Solano 2005 Fire Management Plan at the following web address: [http://cdfdata.fire.ca.gov/pub](http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf107.pdf)
7 [/fireplan/fpupload/fpppdf107.pdf](http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf107.pdf). I have attached a true and correct copy as Exhibit 11.

8 15. In February 2019, I accessed from the CAL FIRE website the Butte 2005 Fire
9 Management Plan at the following web address: [http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/](http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf261.pdf)
10 [fpppdf261.pdf](http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf261.pdf). I have attached a true and correct copy as Exhibit 12.

11 16. In February 2019, I accessed from the CAL FIRE website the Mendocino 2005 Fire
12 Management Plan at the following web address: [http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/](http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf66.pdf)
13 [fpppdf66.pdf](http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf66.pdf). I have attached a true and correct copy as Exhibit 13.

14 17. In February 2019, I accessed from the CAL FIRE website the Tuolumne-Calaveras
15 2005 Fire Management Plan at the following web address: [http://cdfdata.fire.ca.gov/pub/fireplan/](http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf121.pdf)
16 [fpupload/fpppdf121.pdf](http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf121.pdf). I have attached a true and correct copy as Exhibit 14.

17 18. In February 2019, I accessed from the CPUC Resolution ESRB-4 at the following
18 web address: <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M096/K415/96415169.pdf>.
19 I have attached a true and correct copy as Exhibit 15.

20 19. In February 2019, I accessed from the Executive Department of the State of
21 California the Proclamation of a State of Emergency at the following web address:
22 [https://www.gov.ca.gov/wp-content/uploads/2017/09/10.30.15_Tree_Mortality](https://www.gov.ca.gov/wp-content/uploads/2017/09/10.30.15_Tree_Mortality_State_of_Emergency.pdf)
23 [_State_of_Emergency.pdf](https://www.gov.ca.gov/wp-content/uploads/2017/09/10.30.15_Tree_Mortality_State_of_Emergency.pdf). I have attached a true and correct copy as Exhibit 16.

24 20. In February 2019, I accessed from the CPUC the CPUC Fact Sheet – PG&E
25 Vegetation Management Spending at the following web address:
26 [http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Safety/PGE%20Vegetatio](http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Safety/PGE%20Vegetation%20Management%20Spending.pdf)
27 [n%20Management%20Spending.pdf](http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Safety/PGE%20Vegetation%20Management%20Spending.pdf). I have attached a true and correct copy as Exhibit 17.

21. In February 2019, I accessed from CAL FIRE the 2010 Strategic Fire Plan for California at the following web address: <http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf668.pdf>. I have attached a true and correct copy as Exhibit 18.

22. In February 2019, I accessed from CAL FIRE the 2008 Edition of the Power Line Fire Prevention Field Guide at the following web address: <http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fppguidepdf126.pdf>. I have attached a true and correct copy as Exhibit 19.

23. In February 2019, I accessed from CAL FIRE the 1996 State of California Fire Plan at the following web address: <http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf32.pdf>. I have attached a true and correct copy as Exhibit 20.

24. In February 2019, I accessed from the CPUC a webpage titled "CPUC Fire Safety Rulemaking Background" at the following web address: <http://www.cpuc.ca.gov/firethreatmaps/>. I have attached a true and correct copy as Exhibit 21.

25. In February 2019, I accessed from the CPUC website CPUC Decision 16-05-036 at the following web address: <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M162/K550/162550016.PDF>. I have attached a true and correct copy as Exhibit 22.

26. In February 2019, I accessed from CAL FIRE a Fact Sheet regarding "California's Fire Hazard Severity Zones: California Department of Forestry and Fire Protection Office of the State Fire Marshall", at the following web address: <http://osfm.fire.ca.gov/codedevelopment/pdf/Wildfire%20Protection/FHSZ%202007%20fact%20sheet.pdf>. I have attached a true and correct copy as Exhibit 23.

27. In February 2019, I accessed from CAL FIRE the November 7, 2007 Fire Hazard Severity Zones Map at the following web address: http://frap.fire.ca.gov/webdata/maps/statewide/fhszs_map.pdf. I have attached a true and correct copy as Exhibit 24.

28. On February 28, 2019, I accessed Cal OES, which makes available to the public for free a searchable database where someone can type in their address and find out if they reside in a fire hazard severity zone, access here: <http://www.myhazards.caloes.ca.gov/>. I entered the CAL

1 FIRE origin points for each North Bay Fire and the Camp Fire. My research uncovered the
 2 following: All but two North Bay Fires started in areas identified in 2007 as fire hazard zones. The
 3 only two North Bay Fires that did not start in an area identified as a fire hazard were Potter and
 4 Sullivan. In regard to Potter and Sullivan, their respective origins are less than five miles away from
 5 very high hazard severity zones. Seven North Bay Fires started in areas identified in 2007 as "very
 6 high" fire hazard severity zones, including the Nuns Complex, Cascade, Cherokee, Lobo,
 7 McCourtney, Pocket, and Point. Four started in areas identified as "high" fire hazard severity,
 8 including Atlas, La Porte, Honey, and Sulphur. All three of the most destructive and deadly fires in
 9 the past two years where it has been alleged that PG&E is at fault, i.e. the Tubbs, Nuns and Camp
 10 Fires, started less than one mile away from a "very high" fire hazard severity zone. The Nuns
 11 Complex Fire started in a "very high" fire hazard severity zones. And the Tubbs Fire and Camp Fire
 12 started within less than half-a-mile of a "very high" fire hazard severity zone.

13 28. In February 2019, I accessed from CAL FIRE "Frequently Asked Questions: Fire
 14 Hazard Severity Zones" at the following web address:
 15 http://www.fire.ca.gov/fire_prevention/downloads/Doc_7_FAQs_ALL.pdf. I have attached a true
 16 and correct copy as Exhibit 25.

17 29. In February 2019, I accessed from the CPUC a press release titled "CPUC Approves
 18 Witch, Rice, and Guejito Fire Settlements" at the following web address:
 19 http://docs.cpuc.ca.gov/PublishedDocs/WORD_PDF/NEWS_RELEASE/116819.PDF. I have
 20 attached a true and correct copy as Exhibit 26.

21 I declare under penalty of perjury that the foregoing is true and correct of my own personal
 22 knowledge. Executed this 28th day of February 2019 at Burlingame, California.

23
 24 
 25 Frank M. Pitre